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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/605,185	06/28/2000	Benjamin C. Ford		5666

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11/14/2003

Simon Fakhoury Tangelos Frantz & Galasso PLC
P O Box 26503
Austin, TX 78755-0503

EXAMINER

WU, JINGGE

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 11/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/605,185

Applicant(s)

FORD, BENJAMIN C.

Examiner

Jingge Wu

Art Unit

2623

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 15-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5 and 10.
- ☐ Interview Summary (PTO-413) Paper No(s). _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other:

Response to Amendment

Applicants' response to the last Office Action, filed September 22, 2003 has been entered and made of record.

Remarks

Applicant's arguments with respect to claims 15, 25, and 35 regarding to Edgar have been fully considered, but they are not persuasive.

In remarks, applicants argued that "the information from at least additional channel is transformed and combined from the first information channel." from the claim 15. But Edgar teaches "all of the information channels appear to be subjected to a linear transform." Therefore, Edgar is not believed to be anticipate or make obvious the feature of claim 15.

However, in response to applicant's argument, Examiner would like to point out that claim language is given its broadest reasonable interpretation. The specification is not measure of invention. Therefore, limitations contained therein can not be read into the claims for the purpose of avoiding the prior art. *Ir re Sporck*, 55CCPA 743, 386 F. 2d 924, 155 USPQ 687 (1968). In the instant case, first, the claim language calls for "transforming the image information obtained from the at least one additional information channel to obtain transformed image information associated with the first channel". This cited language does not appear to limited the transform **only** being applied in the at least one additional information channel. There is no limitations in whole portion of claim 15 to prohibit to transform the first information channel. One ordinary skill in the art would not read the language into that **only** additional information channel is transformed. Second, Edgar clearly show that color and noise of a film is

corrected from 4 channels and the calibration relationship is generated from transforming and combining the channels in which at least on additional channel (e.g., I or green channel) is transformed. Finally, Edgar is clearly read on the language as broadly claimed in claims. The Applicant's argument tried exactly to read "**only** additional information channel is transformed" into the claim language for the purpose of avoiding the prior art, Edgar. If the Applicant intends to claim that the transform is **only** applied on the additional channel not the first information channel, he should amend the claims appropriately.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 15-40, 43 and 46 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5509086 to Edgar et al.

As to claim 15, Edgar discloses a method for correcting image information associated a plurality of information channels comprising (abstract):

obtaining image information from a first information channel (Fig. 2a-2d);

obtaining image information form at least one additional information channel (Fig. 2a-2d), wherein at least a portion of the information from the at least one additional

information channel includes information associated with the information obtained from the first channel (col. 8, note that each signal in a channel is cross-correlated to others);

transforming the image information obtained from the at least one additional information channel to obtain transformed image information associated with the first channel (Figs. 6-7 and 12, col. 9 line 18-col. 12, and col. 17, lines 41-64, any channel, R,G,B, or I can be view as transformed additional channels); and

combining (inherent to the matrix operation) at least a portion of the transformed image information with at least a portion of the information from the first information channel to obtain corrected image information associated with the first information channel (Figs. 6-7 and 12, col. 9 line 18-col. 12, and col. 17, lines 41-64).

As to claim 16, Edgar further discloses filtering the image information obtained from the at least on additional channel to minimize noise (Fig. 5, col. 7 lines 34-39).

As to claim 17, Edgar further discloses a color correction matrix (Fig. , element 147-148).

As to claim 18, Edgar further discloses a photographic image (Fig. 1).

As to claim 19, Edgar further discloses color channels (Fig. 3).

As to claim 20, Edgar further discloses transforming the first image information obtaining from first information channel and combining the transformed information with at least information from on additional channel (Figs. 6-7 and 12, col. 9 line 18-col. 12, and col. 17, lines 41-64).

As to claims 21 and 22, Edgar further discloses no substantially altering the information (filtering the noise is substantially unfaltering the information) before combining the information (Figs. 5 and 6, note that filtering conducted before the matrix operation).

Art Unit: 2623

As to claims 23 and 24, Edgar further discloses scanning a photographic image (Fig. 1).

Claims 25-40, 43, 46 are the corresponding a digital file tangibly embodied in a computer readable medium and system claims to claims 15-24 respectively. The discussion are addressed with regard to claims 15-24.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 44-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edgar.

As to claim 44-45, Edgar does not expressly mention copy machine and fax.

Examiner takes Official Notice that those features are notoriously well known in the art.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the scheme of Edgar in either color copy machine and color fax in order to achieve better color image representations.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications should be directed to Jingge Wu whose telephone number is (703) 308-9588. He can normally be reached Monday through Thursday from 8:00 am to 5:30 pm. The examiner can be also reached on second alternate Fridays.

Any inquiry of a general nature or relating to the status of this application should be directed to TC customer service whose telephone number is (703) 306-0377.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Amelia Au, can be reached at (703) 308-6604.

The Working Group Fax number is (703) 872-9314.

Jingge Wu

Primary Patent Examiner

